

## CRAIN'S LIST 2006 VERDICTS AND SETTLEMENTS

While the Hancock settlement was arguably the highest-profile case of the year (below), it was by no means the only interesting item on the dockets. Crain's surveyed 2006's Illinois court cases and cherry-picked 20 verdicts and settlements that stood out in the crowd. This list is by no means comprehensive, but rather a look at product liability, medical malpractice and car-crash cases with plot twists that would make "Law & Order" writers jealous.

Research by Matthew Carmichael and Michelle Evans



Verdict



Settlement



**\$31.4 MILLION**

**Case:** Richard Marston, an independent administrator for the estate of Leonard L. Kulisek, v. Walgreen Co. and James Wilmes

**Court:** Cook County Circuit Court

**Date announced:** 9/29/06

**Lead plaintiffs' lawyer:** David A. Axelrod (David A. Axelrod & Associates P.C.)

**Lead defense lawyer:** Thomas J. Andrews (Johnson & Bell Ltd.)

Walgreen Co. was ordered to pay \$31.4 million to the estate of a Schaumburg man who died after a pharmacist incorrectly filled his prescription.

Leonard L. Kulisek, 77, went to a Walgreens pharmacy in January 2001 to pick up his gout medicine, but was given the diabetes drug Glipizide.

The drug triggered a series of health problems, including kidney failure and a stroke. Mr. Kulisek died in November 2002.

The pharmacist who filled the prescription, James Wilmes, admitted when he was fired in December 2001 that he had stolen 86,000 pills over an eight-year period to self-medicate for chronic knee pain. At trial, Walgreen argued the number was miscalculated.

Mr. Kulisek's estate sued Mr. Wilmes for misconduct and Walgreen for failing to properly monitor its controlled-substance inventory and ignoring Mr. Wilmes' years of theft and signs of addiction.

"How could they go eight years without catching a guy who was stealing eight to nine pills a day?" says David A. Axelrod, attorney for the Kulisek estate.

Walgreen argued that even though it didn't catch Mr. Wilmes, the company did have a program in place to monitor drug theft.

Jurors rejected that argument, awarding Mr. Kulisek's estate \$6.4 million to compensate for his death, pain and suffering and an additional \$25 million in punitive damages against Walgreen.

The company is appealing the verdict on the grounds that there was insufficient evidence to prove it was negligent in its supervision of Mr. Wilmes.